

Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF **RHODE ISLAND**

XAVIER BALLARIN,
Plaintiff

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 04-278T

V.

DARRELL LUCENTE, JOHN CROY,
XLC CORP. and QUALGUARD, INC.,
Defendants

TO: **Keeper of Records, Paychex, Inc., c/o Agent for Service, CT Corporation System, 10 Weybosset Street,
Providence, RI 02903**

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

All documents described on Exhibit A attached hereto.

PLACE

Vetter & White
20 Washington Place
Providence, RI 02903

DATE AND TIME

March 25, 2005, at 10:30 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

 , Attorney for the Plaintiff

March 10, 2005

ISSUING OFFICER'S NAME, ADDRESS AND TELEPHONE NUMBER

Gordon P. Cleary, No. 1948
Vetter & White
20 Washington Place
Providence, RI 02903
401-421-3060

EXHIBIT A

The following definitions apply to the terms used in the descriptions stated below:

- a. Paychex, Inc. shall mean the corporation of that name, including the corporation InterPay, Inc., acquired in or about April, 2003.
- b. The term "document" is to be defined to include all tangible things by which information is recorded, communicated, transmitted or stored, including but not limited to letters, correspondence, notes, records, computerized records, computerized data collections or compilations, computerized correspondence files, reports, memoranda, studies, books, drawings, photographs, publications, diaries, contracts, receipts, computations, books of account, balance sheets, magnetic or phonographic recordings, transcriptions, models, prototypes, statements, invoices, tickets, itineraries, cancelled checks, front and back, or drafts, copies or reproductions of any of the foregoing, now available to Paychex, Inc. or in the possession, care, custody or control (actual or constructive) of Paychex, Inc., whether the documents are in Paychex, Inc.'s custody or control, or in the custody or control of Paychex, Inc.'s agents, employees, representatives, investigators and, unless privileged, attorneys or their agents, employees, representatives or investigators.
- c. "Companies" means the Rhode Island corporation XLC Corp., the Delaware corporation Qualguard, Inc., Togo Photo, Inc. (a/k/a "Winkflash") and all predecessor, successor, affiliated, and subsidiary firms or corporations, including (without limitation) Highstream, Inc. and Qualguard, Inc. (Rhode Island).
- d. XLC Corp. has E.I.N. 05-0515039.
- e. Qualguard (Delaware) has E.I.N. 16-1648164.

f. Xavier Ballarin has S.S. No. [REDACTED] and Employment Authorization Card No. [REDACTED]

g. John Croy has S.S. No. [REDACTED]

h. Darrell Lucente has S.S. No. [REDACTED]

Descriptions of Documents to be Produced

1. All documents in Paychex, Inc.'s possession or control concerning the Companies during the period 2002 through 2004.

2. All documents in Paychex, Inc.'s possession or control concerning Xavier Ballarin, John Croy and Darrell Lucente during the period 2002 through 2004.

3. All documents in Paychex, Inc.'s possession or control concerning deleted information, e-mails or accounts relating to the Companies or Xavier Ballarin, John Croy and Darrell Lucente during the period 2002 through 2004.

4. All documents in Paychex, Inc.'s possession or control concerning or relating to any or all of E.I.N. 05-051539, E.I.N. 16-1648164, S.S. No. 0 [REDACTED], S.S. No. [REDACTED] S.S. No. [REDACTED] and Employment Authorization Card No. [REDACTED]